

Committee of Thirteen Report

January 10, 2012

The Committee of Thirteen of the Benton County Quorum Court met Tuesday, January 10, 2012 at 6:00 p.m. in the Quorum Court Room, County Administration Building, Third Floor, 215 East Central, Bentonville, Arkansas.

13 JPs Present: King, Winscott, J. Harrison, Allen, K. Harrison, Hawkins, Jones, Sandlin, Douglas, Blaty, Curry, Carr, Moore

Others Present: County Judge Bob Clinard, Comptroller Richard McComas, Administrator of Public Safety Marshal Watson, Administrator of General Services Elizabeth Bowen, County Health Department Director Loy Bailey, Webmaster Darryl Marks, Benton County Health Director Loy Bailey

Media: Tom Sissom - Daily Record

Chair Kurt Moore called the meeting to order.

PUBLIC COMMENTS

None

JP Harrison made motion to suspend the rules and read all ordinances and resolutions by title only, seconded by JP Sandlin.

Motion passed by unanimous show of hands vote.

1. Presentation: Benton County Health Department Update - Loy Bailey

Loy Bailey, Benton County Health Department Director presented a power point presentation on the different services provided to the county by the Benton County Health Department.

He reported that there are 956 sites permitted for food service, which includes restaurants, day cares gas stations, school, concession stands, bakeries, mobiles and more that require food service inspections. He stated that the Environmental Health Unit has two full time food service inspectors, and two other inspectors that split their time between food inspections and onsite wastewater inspections. He stated that the inspectors look for 5 major risk factors that could lead to food borne illness; 1) Improper hot/cold holding temperatures of potentially hazardous food; 2) Improper cooking temperatures of food; 3) Dirty and or contaminated utensils and equipment; 4) Poor employee health and hygiene; 5) Food from unsafe sources. He added that the inspection also includes; 1)

Taking temperatures of foods; 2) Check for sanitizing of food contact services; 3) Observe employee habits; 4) Check for proper storage; 5) Look for evidence of rodents and insects. Loy Bailey stated that while the food supply in the United States is one of the safest in the world, the Centers for Disease Control and Prevention (CDC) estimates that each year 76 million cases of food borne illness occur and more that 300,000 persons are hospitalized and 5,000 die from food borne illness.

Loy Bailey reported that Benton County issued 22% of the region's septic permits for onsite wastewater (a.k.a.) Septic Systems. He added that a pre-site inspection is required after a design is submitted, and that after the septic system is installed there is a final inspection that includes; 1) Ensures that the lateral lines are on contour with the land; 2) Check for approved products; 3) Inspect the wiring and function of the pump; 4) Make sure that the system was installed as it was designed, and the that the Environmental Health inspectors annually inspect septic tank and portable toilet pumper trucks.

Loy Bailey reported that all Environmental Health inspectors inspect swimming pools, and that those include; hotels, therapy pools, apartment complexes, sub-divisions, public water parks and more and that Benton County has 195 bodies of water to inspect. He added that another area of shared responsibilities includes being on call 24/7 to respond to fires or truck wrecks that involve food products.

Loy Bailey reported that the Benton County Health Unit mission is to promote public health policies and practices that assure a healthy quality of life by Arkansans. He stated that the Benton County Health Units primary clinical service programs provided include; 1) Immunizations program; 2) WIC program; 3) Family planning. 4) Maternity program; 5) Breast and cervical cancer control program; 6) Tuberculosis clinic; 7) Sexually transmitted disease clinic. He stated that the Benton County Health Units mission is to promote an improved quality of life for residents of Benton County and adjacent areas by facilitating an on going assessment of community needs and concerns.

Discussion was held on the programs provided by the Benton County Health Unit and the benefits they provided to Benton County residents.

2. Discussion: Benton County Farm Bureau Resolution Opposing Bella Vista Annexation of Hiwassee

JP Douglas recognized James Simpson, Legislative Chairman of Benton County Farm Bureau. James Simpson stated that on behalf of the Arkansas Farm Bureau Federation that he was there to express their opposition to the City of Bella Vista and their proposed annexation of the Hiawassee community. He stated this annexation would have a negative impact on agriculture and the daily lives of the people of the Hiwassee area. He stated that some of the concerns are: 1) Everyone who is currently farming receives exemptions, but that if they discontinue a use of property for over 12 months, they lose that exemption, and that home occupations are basically nonexistent, you cannot have a separate structure for you home occupation, you can only increase traffic by one car at a time, you cannot have an employee and you can only use 25% of your home for your home occupation. For example you cannot operate a functioning beauty salon or daycare out of their home; 2) You cannot have a manufactured home on your property if the area is zoned for agricultural uses; 3) The permitting process will be much more

restrictive and expensive for farmers and landowners, and that under current county code, agricultural uses are exempt from permitting, but under the Bella Vista City code, all forms of construction will now be required to get a permit, and that they must have certified plans by an architect or engineer which would be an additional cost to the landowner that isn't necessary for most agricultural structures.

He added that the Benton County Farm Bureau is also concerned with the city's lack of ability to provide the necessary services to comply with current annexation laws. He stated in their own ordinance that they will provide; 1) Code enforcement; 2) Sanitation service; 3) Street maintenance 4) Police and fire protection. He stated that Bella Vista currently does not have a street department and that they are lacking in critical fire protection services, and that taking on another community would only lessen the availability of these valuable resources.

He stated that this is just a few of the many concerns that Benton County Farm Bureau has with the proposed annexation ordinance, and that there are many more examples as to why they oppose this proposed ordinance. He stated this is why they are here to ask that the Quorum Court supports our opposition.

James Simpson read a letter to the Benton County Quorum Court, received from Beau Bishop Coordinator of Local Affairs and Rural Development with Arkansas Farm Bureau, expressing their opposition to the City of Bella Vista and their proposed annexation of the Hiwasse community.

JP K. Harrison asked if there was anything that the Quorum Court could do, to prevent the proposed ordinance from going through, especially since Bella Vista does not meet state law requirements to have adequate services that they would provide.

County Attorney George Spence stated that if they cannot meet the requirements under state law that it is between the residents of that area and Bella Vista. He added that as to whether or not that they can do anything as a Quorum Court as a county to prevent the annexation, other than say that it is not a good idea, that there is nothing else that they can do.

JP Allen stated he was in support of the Benton County Farm Bureau resolution request.

James Simpson stated that the third reading of this ordinance to annex Hiwasse will be this month and that the ordinance has kind of flown under the radar until recently, and that this resolution request is to try to get some facts out there. He stated that the concern for the residents for Bella Vista would be the fact that they would be diluting the already strained services in the community.

JP Jones stated as a citizen of Bella Vista that he did not agree in doing this annexation at this time. He stated that he agreed that Bella Vista is already strained as it is as a city to provide the services that they need, and that it is a constant uphill battle with the POA to do all of those things. He stated that he would like to see putting forth a resolution from the Committee of Thirteen showing of support against the annexation of Hiwasse to take before the Bella Vista City council meeting, Monday, January 23, 2012.

JP Jones made motion to put forth a voice resolution coming from the Committee of Thirteen disagreeing with the proposed annexation of Hiwasse by Bella Vista, seconded by JP K. Harrison.

County Attorney George Spence stated that a resolution generally contemplates something in writing which we don't have and that it might be more appropriate for the court to make motion showing the courts opposition to the Hiwassee annexation.

JP Douglas stated that he agreed with JP Jones that a voice resolution should be made. JP Douglas then asked James Simpson to show the area map of the Bella Vista annexation. He stated that Farm Bureau came out with this resolution because not only does the annexation affect agricultural, but it also affects the property values of individuals too; when an agricultural operation can't expand, a lot of time you can't stay efficient, and the willingness of laborers to finance agricultural operations in an area where it is restricted could become a substantial problem. He stated the Hiwassee Volunteer Fire Department services a large area, and that the service area expands further than shown on the map. He stated if this area is incorporated, the Hiwassee Volunteer Fire Department will cease to exist, because they can't support themselves on the limited area around it, and that Centerton and Gravette will have to expand their fire service area, and that Bentonville will have to pick up this area that is being left by the demise of the Hiwassee Fire Department, and that it will also affect county residents. He added that it will affect they will vote, fire ratings could change because of being further away from fire stations, and their insurance rates go up. He stated no matter how you look at the county roads, we get plenty of complaints about the maintenance of county roads, but at least we are equipped to do. He stated we have people out in the county that depend on the county government to stand up for them, and that we are their only voice and that this is not fair to them, and that he would support JP Jones resolution.

JP Winscott asked County Attorney George Spence what is the process; does it just take Bella Vista's council to vote to annex or does it have to be approved by the state, or does it go before the citizens of Bella Vista for a vote.

County Attorney George Spence stated there are multiple methods of ways to do annexations and that this particular method of annexation, basically by election. He stated that they call an election for the area in question and then an election is held and that the election includes both the voters from Bella Vista and Hiwassee and the affected area. He stated with the ordinance process they establish what the area is that they are proposing to annexation will be and set the election.

County Judge Bob Clinard stated that James Simpson specifically aimed his comments at the Hiwassee annexation, and that he was asking that the court to also voice their opinion about the section along U.S. 71 near Benton County 40 of which he was not in favor of. He stated the blue area is good for the City of Bella Vista and the county, because these are pockets of county property, and for all intents and purposes we would have fire protection and police protection, sheriff protection in some of those little pockets, and he thought that part is good. He asked that you consider opposing areas two (2) and three (3) and that saying that you are okay with area one (1), that he just wanted to make sure that everybody has got all of the correct facts, that this is three different items on the ballot.

JP Carr asked what area is area two (2).

County Judge Bob Clinard showed the location of area (2) on the map and stated that this is the Walgreen's, the northeast and northwest of the intersection of Highway 71 business and Benton County 40. It goes up and takes part of that old Bella Vista where the older houses are. This takes in Walgreen's, Cryeleike Realtors and that he just wants to make sure that we have all of the facts.

JP Blaty stated as a citizen of Bella Vista and as a JP for Hiwasse that she was adamantly opposed to the annexation of Hiwasse.

JP Carr asked what the financial impact to Benton County would be if they were to lose this property.

James Simpson stated that annexing the Hiwasse area, Bella Vista has projected that there will be total new revenue of \$49,750 from sales tax and franchise fees collected in 2012. He added that in 2013 they have projected; \$132,000 in sales tax, \$40,200 in franchise fees, \$21,875 in State turn back funds, and \$51,528 from County sales tax with total reallocated taxes of \$73,523 and total new revenue to Bella Vista in 2013.

JP Carr stated that it seems like this is a land grab and that he wanted to know what we can do to assist Hiwasse in some type of class-action suit to try to block this. He stated these are our citizens and he thought that the county had the right for their voice to be heard, these are our tax dollars, and if we are not willing to stand up for our citizens, why do we exist.

Bill Williams of Hiwasse stated that there are approximately 50 voters in Bella Vista for every voter in Hiwasse. He added that Bella Vista is a planned community; and that Hiwasse is a county community that is 150 years old and had its own post office for nearly 150 years, and that the people that live there, live there because they choose to.

JP Douglas stated that he had attended a meeting held by Bella Vista City Council and noticed that they had income figures showing how much money they were going to take in, but that they had no figures on expenses. He asked is that fair to the citizens to put something on the ballot before they know how much it is going to cost them, and that he had concerns for the residents of Bella Vista, and that concerns me about their city government.

County Attorney George Spence stated that he had researched and that he did not find any way that the county could step in to prevent the annexation.

JP Curry stated we all know why Bella Vista wants this; it is the 2 ½ mile by-pass which is probably not ever going to be completed in our lifetimes. He added it's just a land grab and it's not right.

JP Allen stated that he was concerned and that he agreed with JP Curry that this is just a land grab and that it is up to us the JP's as individuals, to do our job with our telephones, feet and cars and to drive over and have meetings with the mayor and individual city Council members.

JP Hawkins questioned the three different areas of concern shown on the map and asked what the difference was of the areas of concern.

County Judge Clinard, stated that technically some of the areas shown are county property and that the county is supposed to provide fire and sheriff protection for the small areas pockets.

Further discussion was held on the three separate areas of the annexation that were proposed to be on the ballot for annexation into Bella Vista, and the impact it would have to Benton County.

Larry Kelly, chairman of the Hiwassee Community Association, stated that the group understands the county has no legal standing in the annexation issues, but that we need your support to come to the meetings and make your feelings known. He stated that Hiwassee feels that Bella Vista has over reached its boundaries, that it's a land grab and that they are not being properly informed, that the annexation is ill conceived, not thought out. He stated if the annexation is approved and becomes final, the following services shall be extended to the area within three years; 1) Code Enforcement; 2) Sanitation Services; 3) Street Maintenance; 4) Police Protection; 5) Fire Protection, so they don't really intend to give up anything for three years.

JP Jones stated that his motion was particularly concerned with the Hiwassee area, and that the other areas are rural but not farming, and that the area two that he could go both ways and if someone wanted to amend his motion and vote to amend it that he was not going to amend his motion. He stated that he was particularly concerned with the Hiwassee area.

JP K Harrison stated that the area that includes Benton County 40 there is farming in that area and that he would like to amend the motion to include the Northeast and Northwest of the intersection of Highway 71 business and Benton County 40 of the proposed map area, seconded by JP J. Harrison.

JP Allen stated that he would support adding that area in the motion.

County Attorney George Spence stated that he would also note, that in part of the process and once it is approved and the election, that there is a requirement for them to identify all of the residents in area and to send them notice.

Motion passed by unanimous show of hands vote.

JP Jones made motion to oppose all the areas in the proposed annexation and include all the proposed areas to the previous motion of the voice resolution, seconded by JP Blaty.

1:30

Motion passed by unanimous show of hands vote.

JP Jones announced that the next meeting of the Bella Vista City Council is at 6:30, January 23, 2012, and that location of the meeting is posted on the Bella Vista website, and that the third reading of this annexation ordinance will be read at that time.

JP Moore stated that now it is time to vote on the main motion which was the opposition to the annexation all in total.

Motion passed by unanimous show of hands vote.

3. Resolution Request: Reappointment of Leah Whitehead – Historical Preservation Commission

JP Carr made motion to approve and reappoint Leah Whitehead to the Historical Preservation Commission and forward the resolution request to the January 26, 2012 Quorum Court agenda, seconded by JP J. Harrison.

Motion passed by unanimous show of hands vote.

4. Appropriation Ordinance Request: Appropriation ordinance for year end budget clean up adjustments of 2011.

JP Allen stated this appropriation ordinance is a clean up ordinance to transfer monies between categories and line items and the additional appropriations necessary to cover expenses for the year end budget cleanup for 2011.

JP Allen made motion to approve and forward the appropriation ordinance request to the January 26, 2012 Quorum Court agenda, seconded by JP J. Harrison.

Motion passed by unanimous show of hands vote.

5. Appropriation Ordinance Request: Non-Department, Dept. 23, Fund 010

JP Allen stated this appropriation ordinance request is to appropriate \$10,000 for Engineering & Architectural fees to begin the remodeling of the existing Juvenile Detention Center and Public Defender's buildings.

JP Allen made motion to approve and forward the appropriation ordinance request to the January 26, 2012 Quorum Court agenda, seconded by JP Sandlin.

Motion passed by unanimous show of hands vote.

6. Appropriation Ordinance Request: Public Safety, Dept. 66, Fund 010

JP Allen stated this appropriation ordinance request is to appropriate \$30,000 for an analysis of the Emergency Medical Services in the unincorporated areas of Benton County which was not completed in 2011.

JP Allen made motion to approve and forward the appropriation ordinance request to the January 26, 2012 Quorum Court agenda, seconded by JP Curry.

Motion passed by unanimous show of hands vote.

7. Appropriation Ordinance Request: Road Department, Dept. 44, Fund 020

JP Allen stated this appropriation ordinance request is to appropriate \$324,209 for Dump Trucks purchased in 2011 but not delivered until 2012, and to appropriate \$60,000 for Storm Damages that occurred in 2011 but not paid until 2012.

JP Allen made motion to approve and forward the appropriation ordinance request to the January 26, 2012 Quorum Court agenda, seconded by JP Jones.

Motion passed by unanimous show of hands vote.

8. Appropriation Ordinance Request: EECBG Recovery Grant Fund, Dept. 01, Fund 191

JP Allen stated this appropriation ordinance request is for grant expenditures carried over to 2012.

JP Allen made motion to approve and forward the appropriation ordinance request to the January 26, 2012 Quorum Court agenda, seconded by JP Jones.

Motion passed by unanimous show of hands vote.

9. Appropriation Ordinance Request: Public Service Building, Dept. 23, Fund 440

JP Allen stated this appropriation ordinance request is for expenditures associated with the remodeling of the Public Services Building carried over to 2012.

JP Allen made motion to approve and forward the appropriation ordinance request to the January 26, 2012 Quorum Court agenda, seconded by JP J. Harrison

Motion passed by unanimous show of hands vote.

10. Appropriation Ordinance Request: West Side Road Facility, Dept 44, Fund 440

JP Allen stated this appropriation ordinance request is for expenditures carried over to 2012 for the construction of the West Side Road Department Facility.

JP Allen made motion to approve and forward the appropriation ordinance request to the January 26, 2012 Quorum Court agenda, seconded by JP Jones.

Motion passed by unanimous show of hands vote.

11. Ordinance Request: Vicious Dog Ordinance

JP Winscott made motion to approve and forward the ordinance request to the January 26, 2012 Quorum Court agenda, seconded by JP Jones.

JP K. Harrison stated that he had read the ordinance, that there was one part that he disagreed with, and that as long as the animal stays on the property, not the residence in the house and the dog doesn't trespass on public right away or another persons property, that he didn't have a problem with that, and that we are a rural area, mostly where this ordinance is going to take place and that a lot of people have their dogs trained to guard their property. He added that he would like to see the language changed that as long as it is not trespassing on someone's private property or public property.

Lengthy discussion was held on the changes and wording to the proposed ordinance, and how it would affect a property owner's rights, and the rights of a citizen.

County Attorney George Spence stated this ordinance is not about the dogs, but it is about their owners. He added that this ordinance copies an ordinance from the City of Rogers, and that this basically applies the ordinance to the county. He stated that this is meant to be simple and easy for the deputies to apply.

JP Allen stated there are leash laws and that it is the responsibility of the owner, that if you are going to have an animal in the front yard that has the propensity to attack, you need to train that animal to not be in the front attacking people or to go to a certain area of the yard to stop, and if the owner can't control the animal to where it goes beyond a certain point that the owner needs to take the responsibility and put the animal in the back yard where there is a fence or put the animal in the house.

JP Sandlin stated that this is not about the animals it is about the people's protection, and that we need something to protect the property owner.

JP K Harrison stated that the way that this is written that he doesn't see this as the issue of dogs, that he sees this as the issue of the property owner's having the right to protect their property. He stated that the way that this is written whether the dog is right or wrong the dog could be deemed vicious. He added if the dog is protecting the property with-in the property boundaries, that the dog can't be deemed vicious if the dog is doing its job. He added that it was his opinion that they need to include this, so it is the boundaries of the property, and that he would not support the ordinance the way that it is written.

JP Sandlin stated that there is a difference in property and people. She added if I am willing to lose something you can take my property its stuff, but not the people. She added that there have people that have died because of a one time friendly dog attack on the owner's property.

JP K. Harrison stated under this scenario, it would still happen. He stated we are talking about an issue to deny viciousness, and a tendency to repeat, but again if the dog is a repeat offender he is going to be deemed vicious, and he is going to be got rid of if he is off his property, but if he is on his property he is doing his job, but if the dog bites somebody once on his property, that is unprovoked that the dog will be on notice and if it happens again that the owner is going to get sued.

Further discussion was held on defining a person's private property, and what defines a dog as vicious.

County Attorney George Spence stated that the underlined language in article two should be amended to read: However, no dog shall be defined as a "vicious dog" for actions occurring on the property of its owner, and delete the rest of the underlined language in the article.

JP K. Harrison made motion to amend the motion as stated by County Attorney George Spence and forward the ordinance request to the January 26, 2011 Quorum Court agenda, seconded by JP Hawkins.

JP Allen stated that he liked the amendment that County Attorney George Spence has proposed that we do to change it to property but asked what about the example of easements or area of sidewalks. He asked if you are walking on the sidewalk in my front

yard and my dog comes up and attacks you and your not doing anything to provoke it what happens.

After further discussion on the changes to the proposed ordinance County Attorney George Spence suggested that they strike all of the underlined language in Article 2, and that in Article 3 sub section (2) security dogs acting as such in the performance of the protection of private property and person; that the ordinance would read dogs protecting private property and persons, and that address both needs.

JP Jones stated if you are have your dog with you and that you are off of your property and that they are protecting you off your property, would that be interrupted as an exemption to this case.

JP K. Harrison stated he would like to ascend his previous motion to amend, seconded by JP J. Harrison.

JP K. Harrison made motion to amend and accept the ordinance as now drafted by County Attorney George Spence and forward to the January 26, 2012 Quorum Court agenda, seconded by JP J. Harrison.

JP Carr stated this is going to come down to Attorneys and Judges figuring out what we're attempting to define as vicious, they are going to redefine anyway. He added if we want to strike that underline, he has no issues with that, but that we are beating a dead horse here, trying to define what property is, what not property is, what's easement and what's not easement. He added that Siloam Springs has ordinance that basically states that if your dog comes out and bites somebody in a vicious manner, which is arbitrary your dog is going to be removed and you will have to deal with it in court.

Julie Beaman, of Rogers stated that she was attacked by her neighbors dog in my neighborhood with insight of my home in Prairie Creek and when Captain Jones helping me with that issue we found out that there wasn't a whole lot that could be done. She stated that there is not a single animal on this planet trying to protect any single person that is more valuable than the person that they attacking. She added this issue that has come up of what is property and what isn't property, if I am understanding correctly the proposed amendment to this part that would mean that my seven year old selling Girl Scott cookies, walking up their door not knowing that they have two hundred and fifty pound boxes with a recorded propensity to attack in the previous four years and she gets absolutely mauled and disfigured and mentally scared for the rest of her life, it's to bad.

JP K. Harrison stated that this law is not going to stop the dog from doing that, but that this is going to give a way for the county deal with it once that it has happened. He stated they have to walk a fine line between everyone's rights, and they just want to create the best medium that they can.

JP Allen stated just because we include the front yard or porch as an exemption, it doesn't give the dog or the property owner of the dog a right to attack at any reason, that there has to be a reason for that dog to attack.

Attorney George Spence stated that any situation with dogs in any governmental entity trying to deal with them is an ongoing difficult problem to deal with because these things

don't usually happen when there are witnesses that dealing with dogs is an emotional touchstone to so many people. He stated this proposed ordinance is a good start and this is something that the Sheriff's Department can apply.

JP K. Harrison stated this will happen after the fact; it is up to the property owners to use good judgment or get rid of them.

Mike White, of Bentonville an active cyclist and runner voiced his frustration and concerns for dogs and their owners that he encounters while riding on roads in the county.

JP Winscott asked that the motion on the floor to be clarified.

County Attorney George Spence stated what you are voting on is to send the ordinance as drafted on to the Quorum Court with the currently unlined language in Article 2 deleted, and with sub paragraph 2 in Article 3 changed to read dogs acting to protect persons or the private property of its owners.

Motion passed by unanimous show of hands.

JP Moore called for a 10 minute break.

Meeting reconvened

12. Discussion: Items for Consideration for Inclusion in the Legislative Packet

JP Douglas stated that these are the Legislative Committee issues to be approved by the Committee of Thirteen so that they can be presented to Benton County Legislatures for upcoming session.

1) An Act to Amend §14-22-106 of the Arkansas Code to Allow an Additional Exemption from the County Bidding Requirements.

County Attorney George Spence stated that the added underlined language is two exemptions added to the Competitive Bidding requirements, he stated number (22) is an exemption that is commonly used by the cities and that this gives the county the authority to execute the same as the cities do, and that number (23) is commonly used by school districts, and this gives the county the authority to execute the same.

2) An Act to Amend §20-13-305 of the Arkansas Code to Allow for an Alternative Method of Disbursement of Service Charges for Emergency Medical Service Districts.

County Attorney George Spence stated the added underlined language under (d) (2) would allow the county the authority to distribute to the Emergency Medical Service Districts money as the tax collections come in and let them handle their own money.

3) An Act to Amend §14-14-813 of the Arkansas Code to Provide an Alternative Method for Counties to Recover Costs Related to Remediating Unsanitary Conditions.

County Attorney George Spence stated the added underlined language under item (3) is to provide an alternative method for counties to recover the costs incurred while doing remediating unsanitary conditions and that a public hearing shall be held before the

Quorum Court and the costs incurred shall be added to the ad valorem tax bill of the subject property owner. He added that the notice of the hearing shall be made to the property owner at least 10 days in advance of the hearing.

- 4) *An Act to Amend §12-42-111 of the Arkansas Code to Give the Authority to set up County Inmate Work Programs to County Sheriffs and to Designate the Entities for Which Such Labor May be Utilized.*

County Attorney George Spence stated that the way the county inmate work program is currently set up through the County Court (County Judge) and that this shifts that authority to the Sheriff, and that it will require the Sheriff to report to the Quorum Court at least quarterly on the amount of labor performed and for what entity.

- 5) *An Act to Amend §14-16-105 of the Arkansas Code to Allow Counties an Additional Method of Selling County Property.*

County Attorney George Spence stated the only change to the current state law, is that this allows the County Judge to sell any item of property owned by the county so long as the Quorum Court by a resolution has approved.

13. Other Items of Concern

- a) *County road taxes current state law provides for a 50/50 split distribution of county road taxes between counties and municipalities, except for municipalities that receive a special higher distribution rate. In Benton County three cities (Rogers, Bentonville, and Siloam Springs) receive 90% road tax distribution. We favor amending this distribution to create a more equitable funding for county roads.*

JP Douglas stated that some cities receive a 90% split while other get a 50/50 split and that the Legislative committee wanted to pursue the percentage split among counties and cities.

- b) *A.P.E.R.S. The Arkansas Public Employees Retirement System must be reformed to make the system sustainable while providing a cap on the rate of funding that counties must contribute.*

JP Douglas stated this is to make retirement sustainable and to quit raising the amount that the counties must contribute each year for retirement. He added that now the counties must contribute for retirement on the counties budget raises 1% each year.

- c) *Amend the act creating the District Court system to provide for the Public Defender to be provided and paid by the Prosecuting Entity.*

JP Douglas stated that a couple of years ago they changed from the Municipal Courts to the District Courts, and that the county now has to pay for the Public Defender. He stated if the municipalities are the ones to receive the fines and fees that they should be the one that have to pay for the Public Defender.

- d) *State should implement a step system to increase the rate of reimbursement to Counties for holding state prisoners, until the counties actual cost of housing inmates are recovered.*

JP Douglas stated that \$28 a day is not covering housing inmate costs and that State needs to be paying more than that. He added that the county should implement a step system to raise the cost of housing each year.

e) Property Taxes should be collected in the year of assessment instead of in arrears.

JP Sandlin stated that this would be a constitutional amendment and have to be statewide and has to have the vote of the people.

JP K. Harrison stated that another one that should go to the Legislative Committee would be that in order to annex property the majority of the people that live in the annex area should be the ones that approve it. JP Douglas stated that is one that we can still consider.

a) Election law reform should provide for no more than two special election days per year.

JP Allen stated that he had always been opposed by School Board Elections being by themselves, and that he would like to see School Board Elections be on the same day as Justice of the Peace get elected, when everybody is voting. He stated that is one of the most important positions is the School Board, and that they have as much authority as the court has they can raise your taxes. He added that this would also include mileage increase elections to be held at the same time.

JP Moore stated what it should say is Election laws should provide for no more than two election days per year, one each in the spring and the fall not special.

JP Douglas stated that it would be two elections per year, one spring and one fall. He added if it is not a primary or general election year, an off year, elections would be held on the same date.

JP Allen stated with the exception that state statute allows, if the citizens want to petition to have an election the citizens can do so.

County Attorney George Spence stated that every governmental entity is different, and that if the term that is being filled is more than a year, then it goes to a special election, if it is less than a year it is done by appointment of the City Council members it is not always the same.

JP Douglas stated all in favor of accepting what we have covered here as our Legislative Packet to present to Benton County Legislators at this time, signify by raising your hand.

Motion carries.

OTHER BUSINESS

None

ANNOUNCEMENTS

JP Allen announced that a Finance Committee meeting will be held Tuesday, February 7, 2012 at 5:00 p.m.

JP Winscott announced that a Public Safety Committee meeting will be held Thursday, February 9, 2012 at 5:30 p.m.

PUBLIC COMMENTS

None

ADJOURNMENT

Upon motion and second meeting adjourned at 9:27 p.m.